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*Attorneys for Defendant Somerset Academy of Las Vegas, erroneously sued and served as Somerset Academy of Nevada, d/b/a, Somerset Academy of Las Vegas*

**UNITED STATES DISTRICT COURT**

**CLARK COUNTY, NEVADA**

BREONNA FLEMING, an individual,

Plaintiffs,

v.

SOMERSET ACADEMY OF NEVADA,  
d/b/a, SOMERSET ACADEMY OF LAS  
VEGAS a Domestic Non-Profit Corporation,

Defendants.

CASE NO.: 2:22-cv-02111

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DATES  
(SECOND REQUEST)**

Defendant SOMERSET ACADEMY OF NEVADA, d/b/a, SOMERSET ACADEMY OF LAS VEGAS, erroneously sued and served as SOMERSET ACADEMY OF NEVADA, d/b/a SOMERSET ACADEMY OF LAS VEGAS, by and through its attorneys of record, the LAW OFFICES OF GARY P. SINKELDAM, APC and Plaintiff, BREONNA FLEMING, by and through her attorneys of record, MULLINS & TRENCHAK, ATTORNEYS AT LAW, collectively and pursuant to Local Rule 26-3, stipulate to modify their discovery plan as follows:

1. Plaintiff filed her Complaint in the United States District Court District of Nevada on February 13, 2023. (ECF No. 4).

2. The Parties stipulated to continue their Early Neutral Evaluation that was originally scheduled for June 6, 2023. The Court approved the Stipulation and Order to Continue the Early Neutral Evaluation to take place on August 10, 2023 (ECF No. 15).

4. The Parties stipulated to continue their Early Neutral Evaluation that was scheduled

1 for August 10, 2023. The Court approved the Stipulation and Order to Continue the Early Neutral  
2 Evaluation to take place on October 10, 2023 (ECF No. 18).

3 5. The Parties held their F.R.C.P. 26 conference on April 28, 2023 and filed their initial  
4 Stipulated Discovery Plan and Scheduling Order in compliance with F.R.C.P. 26(f) and LR 26-1 on  
5 May 23, 2023 (ECF No. 13). In this initial discovery plan, the parties agreed to the following dates:

6 Last Day of Discovery: April 30, 2024

7 Last day to amend/add: January 30, 2024

8 Initial expert disclosure: February 28, 2024

9 Joint interim status report:

10 Rebuttal expert disclosure: March 28, 2024

11 Dispositive Motions filed: May 28, 2024

12 Joint pre-trial order: June 28, 2024

13 6. The parties stipulated to extend discovery dates on February 20, 2024 to allow  
14 additional time to obtain plaintiff's medical releases and records. In this First Stipulation and Order  
15 to Extend the discovery plan, the parties agreed to the following dates:

16 Last Day of Discovery: July 28, 2024

17 Last day to amend/add: remained unchanged

18 Initial expert disclosure: May 28, 2024

19 Joint interim status report:

20 Rebuttal expert disclosure: June 28, 2024

21 Dispositive Motions filed: August 28, 2024

22 Joint pre-trial order: September 27, 2024

23 7. In compliance with Local Rule 26-3, the parties provide the following information  
24 regarding the discovery status:

25 a. Discovery Completed: The parties have exchanged initial disclosures of  
26 witnesses and documents, have supplemented disclosures and have served written  
27 discovery. Plaintiff has produced some medical records and has produced an  
28 expert report.

b. Discovery that remains to be completed: Defendant needs to procure  
plaintiff's medical and billing records, which have been delayed because of issues

with the provided authorizations. Additionally, the parties intend to disclose necessary experts and to conduct depositions regarding the same as necessary.

c. Reasons why discovery was not completed: The parties have operated in good faith to move this case forward in a timely manner but request additional time in order to prepare this case for trial, as Plaintiff's deposition cannot be conducted until Defendants have obtained Plaintiff's complete medical records. There is good cause for an additional ninety (90) day extension of the discovery deadlines due to a delay in obtaining plaintiff's HIPAA release in order to obtain plaintiff's medical records. Further, the Parties request an extension of the expert disclosure deadline, but failed to make this request within 21 days of the subject deadline due to the resignation of one of our associate attorneys. Further, staff at Defense Counsel's office had have had a family emergency necessitating out-of-state travel which caused the delay in seeking this extension. As such, this failure was the result of excusable neglect. Therefore, additional time is warranted to allow for the necessary discovery in this matter.

d. Proposed schedule for completion of remaining discovery (extension of remaining deadlines by approximately 90 days):

Last Day of Discovery: October 28, 2024

Last day to amend/add: this deadline has passed and will not be continued

Initial expert disclosures: August 28, 2024

Joint interim status report:

Rebuttal Expert Disclosure: September 30, 2024

Dispositive Motions filed: November 26, 2024

Joint pre-trial order: December 27, 2024

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SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD

DATED this 7th day of June, 2024

DATED this 7th day of June, 2024.

MULLINS & TRENCHAK

LAW OFFICE OF GARY P. SINKELDAM, APC.

/s/ Philip Trenchak

/s/ Anais M. Caccamo

Philip J. Trenchak, Esq.

Anais M. Caccamo, Esq.

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*Attorney for Plaintiff*

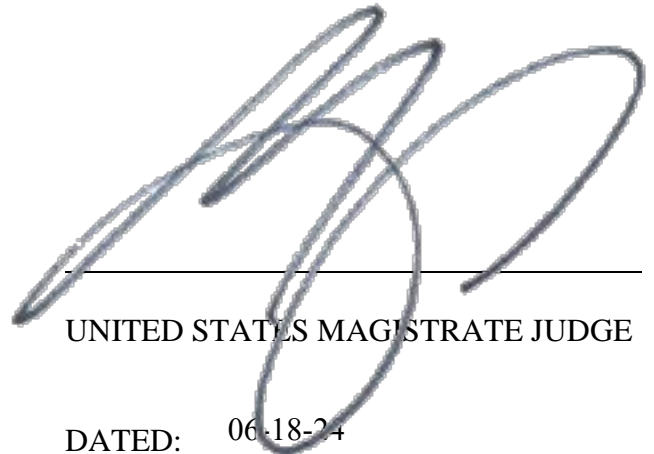
*Attorney for Defendant*

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**ORDER**

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 06-18-24

## Anais Caccamo

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**From:** Philip Trenchak, Esq. <phil@trenchaklaw.com>  
**Sent:** Friday, June 7, 2024 2:51 PM  
**To:** Anais Caccamo  
**Cc:** Eve Tuulima; Sherry A. Orona  
**Subject:** RE: Murphy (Fleming) vs. Somerset Academy of Nevada Case No. 2:22-cv-02111

Ok,

Give it another shot then. Add my E-Signature and file.

Warmly,

Philip J. Trenchak, Esq.  
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**From:** Anais Caccamo <amc@sinkeldamlaw.com>  
**Sent:** Friday, June 7, 2024 2:50 PM  
**To:** Philip Trenchak, Esq. <phil@trenchaklaw.com>  
**Cc:** Eve Tuulima <eve@sinkeldamlaw.com>; Sherry A. Orona <sao@sinkeldamlaw.com>  
**Subject:** RE: Murphy (Fleming) vs. Somerset Academy of Nevada Case No. 2:22-cv-02111

Hi Phil,

Evidently, we submitted the deadline after the expiration of the expert disclosure date. This was our fault, one of our attorneys here resigned and I have inherited all of her cases. One of us also had a family emergency, which resulted in travel out of state. I've modified the stip to include this language to reflect excusable neglect.

Please let me know if I can resubmit with your e-signature.

Anais M. Caccamo, Esq.  
Law Offices of Gary P. Sinkeldam APC